**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO. 84 OF 2006**

Shri Rajkumar Babulal Jain. ...Applicant
V/s.
The State of Maharashtra. ...Respondent

Mr.R.V. More for Applicant.
Ms.S.D. Shinde, APP for State.

**CORAM : V.M. KANADE, J.**

**DATED : JANUARY 16, 2006**

**P.C. :-**

. Heard learned Counsel for the applicant and learned Counsel for the respondent.

. The applicant was arrested on 24th August, 2005 by the Sangli Police Station in connection with an offence which was registered vide C.R.No.59/2005 for the offence punishable under Section 302, 201, 120B of the IPC.

2. The prosecution case in brief is that the applicant is a permanent resident of Karoli District Narginspur in Madhya Pradesh. The applicant's daughter Mayuri became a Sadhvi and was residing in Jain Temple

at Inamdhamani in Sangli District. Said Mayuri died on 15th May, 2005. Three months after her death, a complaint was lodged at the Sangli Rural Police Station in which it was alleged that the present applicant who was a father of the deceased had given a contract to kill her and had paid Rs.50,000/- for the said job. Thereafter, the applicant was arrested and remanded to police custody till 6th September, 2005 and the other accused also came to be arrested. The statements of all witnesses were recorded and presently, the chargesheet has been filed.

3. The learned Counsel for the applicant invited my attention to the statements of other witnesses which have been recorded by the Investigating Officer. He submitted that there are three different versions in the prosecution case. The first version is that the applicant had given a contract to the other accused to kill his daughter since she had an affair with a Muslim boy. The second version was that Maaharaj with whom deceased Mayuri was residing had given a contract to kill said Mayuri and the third version of the applicant

herein is that she had died of natural causes. He pointed out that the in none of the statements which were recorded, name of the present applicant has been mentioned by any witnesses and there is no evidence to show that it was a conspiracy between the Jain Maharaj and the present applicant.

4. Learned APP vehemently opposed the said application. She submitted that the conduct of the applicant and his wife was very unnatural. She submitted that when the villagers had made enquiries in the Jain Math about well-being of Mayuri, they were informed that she was unwell. She further submitted that deceased Mayuri was cremated and no death certificate was obtained from the local doctors.

5. In the present case, considering various statements of the witnesses which are recorded, prima facie there is no evidence against the present applicant to show his involvement in the alleged conspiracy to kill Mayuri. Merely because the wife of the applicant is absconding, it does not mean that the applicant and

his wife are involved in the commission of the said offence.

6. In this view of the matter, a case has been made for grant of bail. The applicant be released on bail in the sum of Rs.25,000/- with one or two sureties in the like amount. The applicant shall report to Karoli, District Narshinapur, Madhya Pradesh, twice a month and once in every six months to Sangli Police Station till the trial is over.

. Application is allowed in the above terms.

‘ **(V.M. KANADE, J.)**